

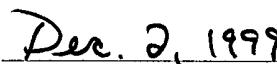


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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service as first class mail, under 37 C.F.R. §1.8, on December 2, 1999 and is addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231.


Peter J. Manso, Reg. No. 32,264


Dec. 2, 1999
December 2, 1999
Mailing Date

In re Application of: Eugenio A. Cefali
Serial No.: 08/962,421
Filing Date: October 31, 1997
Group Art Unit: 1615
Examiner: J. Spear
Title: **INTERMEDIATE RELEASE NICOTINIC ACID
COMPOSITIONS FOR TREATING HYPERLIPIDEMIA
WHICH EXHIBIT AN IN VIVO STAIR-STEPPED
ABSORPTION CURVE**

Assistant Commissioner of Patents
Washington, D.C. 20231

December 2, 1999

Sir:

FIRST SUPPLEMENTAL AMENDMENT

This responds to the Office Action mailed on July 2, 1999 in connection with the above-identified application for U.S. patent. Kindly amend the above-identified application for U.S. patent as follows.

In the Claims:

Kindly amend claims 1 and 3 as follows:

(1)(Amended) An intermediate release nicotinic acid formulation suitable for oral administration once-a-day as a single dose for treating hyperlipidemia without causing treatment limiting hepatotoxicity and treatment-limiting elevations in uric acid or glucose levels or both [for hepatotoxicity] to a level which would require use of said intermediate release nicotinic